

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton
Vice Mayor Mary Collins
Councilmember Roberto Alonso
Councilmember Robert Meador II
Councilmember Michael Pizzi
Councilmember Richard Pulido
Councilmember Nancy Simon

MINUTES REGULAR COUNCIL MEETING

June 12, 2007

7:00 p.m.

Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

- 1. CALL TO ORDER:** Mayor Slaton called the meeting to order at 7:08 p.m.
- 2. ROLL CALL:** Town Clerk Debra Eastman called the roll with the following Councilmembers present: Robert Meador, Richard Pulido, Nancy Simon, Michael Pizzi, Roberto Alonso, Vice Mayor Mary Collins and Mayor Wayne Slaton.
- 3. INVOCATION/MOMENT OF SILENCE:** Mayor Slaton called for a moment of silence.
- 4. PLEDGE OF ALLEGIANCE:** Mayor Slaton led the pledge of allegiance.
- 5. ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):** Vice Mayor Collins asked to pull item 8C from the consent agenda and to be added as a sponsor to item 11, Park rules ordinance. Councilmember Robert Meador asked to pull items 8B, 8E, 8F and 8H. Councilmember Richard Pulido asked to take up item 13C2 (Summer Children/Youth Community Programs (Pulido) during the Manager's Report 13 B 1 (Update on Town's Recreational Programs). Councilmember Nancy Simon asked to combine item 13C3 (Adult Education Classes (Pizzi) with 14J (Adult Education Classes (Simon) and to pull item 8D. Town Manager Alex Rey asked to defer item 11 – Park Rules Ordinance to the July meeting. There was a motion by Councilmember Roberto Alonso to accept the agenda as amended. The motion received a second from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

Councilmember Nancy Simon moved for approval of items not pulled from the consent agenda. The motion received a second from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

6. SPECIAL PRESENTATIONS:

Proclamation Parks and Recreation Month – Mayor Slaton and the Town Council presented a proclamation to the Director of Parks and Recreation, Dan Hopkins and staff declaring July Parks and Recreation month.

7. PUBLIC COMMENTS:

William Cuesta spoke of speeding in the residential neighborhoods and the tragic accident involving his pet. He encouraged the Councilmembers to take some action to reduce speeding.

David Bennett spoke about a break-in and recovery at his home and thanked the Police for the assistance.

Dianelys Moneina spoke in support of the Boundless Playground.

Maritza Acosta spoke regarding the code enforcement fine reduction resolution on the agenda.

Dolan Willmon spoke about speeding in residential neighborhoods.

Maria Kramer encouraged the Mayor to release an RFQ for the appointment of the Town Attorney.

Mirtha Mendez spoke about the enforcement of the new sign ordinance.

Karen Sanders spoke about the alligators on Lake Hilda and the need for cleaning of the area.

8. CONSENT AGENDA:

A. APPROVAL OF MINUTES:

April 10, 2007 Regular Council Meeting

Approved on consent.

B. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE SELECTION OF DEVELOPMENT AND COMMUNICATION GROUP OF FLORIDA, INC., TO PERFORM THE LOCH NESS DRIVE PAVING AND DRAINAGE IMPROVEMENT PROJECT; APPROVING THE CONTRACT BETWEEN DEVELOPMENT AND COMMUNICATION GROUP OF FLORIDA, INC., AND THE TOWN. (Rey)

Councilmember Robert Meador asked about the traffic calming device types and the cost. Town Manager Alex Rey explained. Councilmember Robert Meador

made a motion for passage of the resolution. There was a second from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

C. A RESOLUTION OF THE TOWN COUNCIL AMENDING TOWN RESOLUTION 05-302 REGARDING THE SUNSET OF THE BEAUTIFICATION ADVISORY COMMITTEE. (Rey)

Vice Mayor Collins spoke in favor of the resolution and made a motion for adoption. The motion received a second from Councilmember Nancy Simon. Mayor Slaton called for the vote and all were in favor.

D. A RESOLUTION OF THE TOWN COUNCIL AUTHORIZING THE TOWN MANAGER TO APPLY FOR THE NATIONAL ARBOR DAY FOUNDATION'S TREE CITY USA PROGRAM. (Rey)

At the request of Councilmember Nancy Simon, Assistant Town Manager Mariaelena Salazar explained the program and the funds allocated. Councilmember Nancy Simon moved for adoption of the resolution. The motion received a second from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

E. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE EXECUTION OF A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE STATE FUNDING FOR THE IMPLEMENTATION OF THE TOWN OF MIAMI LAKES' GENERAL BUS CIRCULATOR. (Rey)

Upon question from Councilmember Robert Meador, Town Manager Alex Rey explained the two year grant. Councilmember Robert Meador made a motion for adoption of the resolution. Councilmember Nancy Simon offered a second to the motion. The Mayor called for the vote and all were in favor.

F. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH ROYAL RESTROOMS OF NORTH FLORIDA, INC. FOR A PORTABLE RESTROOM AT THE MIAMI LAKES OPTIMIST PARK. (Rey)

Councilmember Robert Meador asked when the renovations are going to take place. Councilmember Roberto Alonso requested there be no further delay. Councilmember Richard Pulido expressed that parents are concerned with the delay and asked why this project has taken so long. Town Manager Alex Rey explained the series of events since Hurricane Wilma and explained that he believes the project will be complete by the end of summer. Councilmember Robert Meador expressed the urgency with which this project should be complete and made a motion for passage of the resolution. The motion received a second

from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

G. A RESOLUTION OF THE TOWN COUNCIL ACCEPTING THE REQUEST OF MARITZA ACOSTA TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2005-1340. (Rey) Passed on consent.

H. A RESOLUTION OF THE TOWN COUNCIL ACCEPTING THE REQUEST OF JORGE PEREZ TO REDUCE A PREVIOUSLY ASSESSED CODE ENFORCEMENT FINE FOR CASE NO. C2003-1531. (Rey)

Councilmember Robert Meador explained that he inadvertently pulled this resolution from the consent and apologized. Passed on consent.

I. A RESOLUTION OF THE TOWN COUNCIL ACCEPTING THE REQUEST OF CARIDAD M. RODRIGUEZ TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2005-1262. (Rey) Passed on consent.

J. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING THE REQUEST OF C.A.S. MANAGEMENT CORP. TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2004-1177. (Rey) Passed on consent.

Councilmember Nancy Simon moved for approval of the consent agenda. There was a second from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

9. COMMITTEE REPORTS:

Cultural Affairs Committee

Committee Chair, Felicia Salazar, gave the report of the Cultural Affairs Committee and updated the Council on the various activities that have taken place and are scheduled to take place. She requested that the Council allocate an additional \$4,000 to the Main Street Players for rent payments on the theater space.

Vice Mayor Collins made a motion to give \$4,000 to the Cultural Affairs Committee for the purpose of paying the rental space for the Main Street Players and identified that the funds should come from funds left over from the State of the Town Address. There was no second to the motion.

Councilmember Michael Pizzi suggested that the request for the funding should come before the Council in the form of a New Business Item and not from a Committee Report.

Mayor Slaton pointed out that the Council had previously requested a policy be written dealing with funding requests and is looking forward to receiving that policy.

Councilmember Roberto Alonso asked about attempts by the theater to obtain funding from other sources and requested to see the current financial records of the theater.

Councilmember Richard Pulido asked why the Council did not yet have the funding policy from the Manager and if this item was time sensitive.

Councilmember Robert Meador reiterated the request for financial records and requested an opportunity to review the recording of the Council meeting last year where funding was provided.

Councilmember Nancy Simon agreed that more information was needed and requested that the Chairman bring the information to the next meeting.

10. ORDINANCES – FIRST READING:

11. ORDINANCES – SECOND READING (PUBLIC HEARING):

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING TOWN PARK RULES AND REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS. (Rey, Collins)

Town Manager Alex Rey asked to have the second reading of the ordinance delayed until the next meeting.

12. RESOLUTIONS:

13. REPORTS:

A. MAYOR’S REPORT:

1. Appointments

Mayor Slaton made a motion to appoint the following: Nery Linares to the Elderly Affairs Committee, Marco Clavijo to the Youth Activities Task Force and Pablo Quesada to the Beautification Advisory Committee.

2. Boundless Playground

Mayor Slaton reported on grant opportunities and the possibility of being awarded \$300,000.

3. Hurricane Debris Clearing and Removal

Mayor Slaton reported that Federal Emergency Management Agency will now allow municipalities to enter private gated communities to clear hurricane debris from streets. He thanked Congressman Mario Diaz Balart.

B. MANAGER'S REPORT:

1. Update on Town's Recreational Programs (and 13C2 Summer Children/Youth Community Programs –Pulido)

Town Manager Alex Rey reported on the Adult Education Classes that will cease operation on June 30, 2007. The Town is going to continue the classes and has at this point signed contracts with all but one of the current teachers.

Councilmember Richard Pulido read the following memo that was part of the agenda for Item 13C2:

“It is essential to our community that throughout the year, particularly during the summer months while school is out, parents have a variety of choices available to assure that their children engage in enriching community activities/programs. It is my intention, through a discussion with the Town Council and Staff, to make sure that the Town of Miami Lakes is taking every possible measure to foster this certainty.”

Councilmember Roberto Alonso questioned when the Town takes over the classes what authority is gained. Town Manager Alex Rey explained that the Town will have authority over the classes.

Councilmember Michael Pizzi questioned the cost and possible grants. Town Manager Alex Rey explained that this will be worked out during the budget process.

Councilmember Nancy Simon spoke in favor of the classes and in favor of aggressively looking into identifying other facilities. She questioned if

there will be a need for more Town staff. Councilmember Nancy Simon also questioned whether the painting class will be free of charge.

Councilmember Richard Pulido commented that curriculum enriching programs should be offered and questioned if the Town is doing enough. He questioned whether all of the Town facilities are currently busy and booked with activities.

Director of Parks and Recreation Dan Hopkins suggested that there are many factors to be considered if the Town were to be involved in a day camp. Councilmember Pulido indicated that he would like to see some hour or hour and a half type programs offered.

Vice Mayor Collins indicated that the Youth Activities Task Force is planning a photography class, a journalism class and movies in the park.

Councilmember Richard Pulido made a motion to direct staff to put together some hourly classes during the summer at various facilities and to let the Town Manager have the discretion to use reserve funds. The motion received a second from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

2. Background Check Policy

Town Manager Alex Rey explained the proposed background check policy which includes a review process by an independent agency. Vice Mayor Mary Collins made a motion to support the policy. The motion received a second from Councilmember Richard Pulido. The Mayor called for the vote and all were in favor.

C. COUNCILMEMBER'S REPORTS:

1. Citizens Public Safety (Meador)

Councilmember Robert Meador stated he will be opening a dialogue with the Graham Companies regarding complaints of certain individuals at the Town Center. He explained that he will report back to Council.

2. Summer Children/Youth Community Programs (Pulido)

This item discussed with item 13B1.

3. Adult Education Classes (Pizzi)

This item discussed with item 14J.

**4. Staff Training – Ethics and Charter Compliance Procedures
(Pizzi)**

Councilmember Michael Pizzi asked if the staff is trained in ethics and if there is any mechanism that deals with being trained on the spirit of the Town Charter. Town Manager Alex Rey explained that there is no tracking mechanism for charter issues but that employees do receive ethics training.

D. ATTORNEY’S REPORTS:

Request for Executive Session

Town Attorney Nina Boniske requested the Council meet in Executive Session regarding Department of Community Affairs, Petitioner, and Town of Miami Lakes, Intervener, v. Miami-Dade County, Respondent and City of Hialeah et al, Interveners, DOAH CASE NO. 06-2395GM.

14. NEW BUSINESS:

A. Homeowners Protection Act (Pizzi)

Councilmember Michael Pizzi stated that some homeowner’s associations have been victimized by unscrupulous vendors. He suggested that there be some type of complaint bureau available to associations or homeowners who would have information on vendors who repeatedly do work without permits and that information can be disseminated to the public. He suggested enhanced penalties be adopted.

Councilmember Richard Pulido questioned the slander liability of doing this. Councilmember Pizzi agreed and suggested that the Town make the public record available. Vice Mayor Mary Collins suggested that the information be on the Town’s website.

Town Manger Alex Rey suggested that the Town can verify that the contractor is licensed and give information on the permits that might be still open or have been closed.

Councilmember Nancy Simon suggested a procedure be drafted and that it include a provision for a vendor to get off the list as well.

Councilmember Robert Meador suggested a public service notice or brochure type mailer be done regarding what projects do and do not require a permit.

Councilmember Richard Pulido agreed and suggested the mailer also include single family homes.

Councilmember Michael Pizzi made a motion to direct staff to prepare a program that better disseminates information to protect homeowners in Miami Lakes and explore the possibility of enhanced penalties. The motion received a second from Vice Mayor Mary Collins. Mayor Slaton called for the vote and all were in favor.

B. Council Meetings (Pizzi)

Councilmember Michael Pizzi requested that some of the Town Council meetings take place at Barbara Goleman High School. He suggested that the next meeting be held at the school if it can be arranged. Councilmember Pizzi stated he would like to see the meetings start with presentations at 6:30 p.m. and he would like to see new business moved prior to reports.

Councilmember Roberto Alonso stated that Barbara Goleman High School is very busy at night and is concerned about parking. He stated that being redundant and time spent giving thanks to all takes up a lot of time.

Mayor Slaton indicated he would like to know the cost of moving the meeting to Barbara Goleman and requested that the entire Council plan to be present at 6:30 for the presentations.

Councilmember Michael Pizzi made a motion to hold the next, if possible, regularly scheduled meeting at Barbara Goleman High School. The motion received a second from Vice Mayor Mary Collins. The Mayor called for the vote and all were in favor.

Councilmember Michael Pizzi made a motion to change the rules and do presentations and proclamations at 6:30 p.m. and to start the Town Council meetings at 7 p.m. The motion received a second from Councilmember Nancy Simon who questioned the logistics. Councilmember Pizzi amended the motion to give the authority to the Town Clerk to set the start time of the meeting depending upon the number of presentations and proclamations. The Mayor called for the vote on the amended motion and all were in favor.

Councilmember Michael Pizzi withdrew his previous suggestion of moving New Business items on the agenda to a position closer to the beginning of the agenda.

Councilmember Richard Pulido made a motion to extend the meeting by fifteen minutes. Vice Mayor Mary Collins seconded the motion. The Mayor called for the vote and all were in favor.

C. Automobile Speeding in Residential Neighborhoods (Pulido)

Councilmember Richard Pulido indicated that he is requesting support from the Town Council to ask the Town Manager to prepare a comprehensive report on speeding in the neighborhoods. He read the memo from the agenda as follows: “Residents continue to express very serious concerns over the potentially life threatening occurrence of automobile drivers speeding in our residential neighborhood streets. Several months ago when I initially addressed this matter with the Town Manager, Mr. Rey arranged a meeting with myself and the appropriate Town Staff to review various options available for permanent traffic calming devices. Subsequent to this, I presented an item to the Town Council back on November 2006 which has resulted in a series of studies on “Traffic Calming Devices” in selected streets throughout the Town, by Town Staff. I am hopeful that the eventual results of these studies are a long term solution to this alarming concern. However, in the immediate interest of taking every additional and possible proactive measure to assure the public’s safety, I am requesting support from the Town Council to direct the Town Manager to prepare a comprehensive Law Enforcement Plan to help eradicate this critical problem throughout the Town of Miami Lakes.”

Councilmember Pulido asked that the Town take more pro-active measures to create a law enforcement plan to work on the problem and would like to see this become a greater priority for the Police Department.

Councilmember Pulido made a motion to ask the Town Manager to come up with a plan indicating what is being done to curtail speeding. Vice Mayor Mary Collins seconded the motion. Councilmember Pulido asked when the plan might be complete and Town Manager Alex Rey indicated that this might be an issue for the budget workshops in August.

Councilmember Michael Pizzi made a motion to extend an additional fifteen minutes. The motion received a second from Councilmember Richard Pulido. The Mayor called for the vote. The motion passed with Councilmember Simon and Alonso voting against.

Town Manager Alex Rey indicated that the police resources were stretched thin and that this cannot be an immediate priority. Councilmember Pulido clarified that he is asking for speeding to be more of a top priority and not necessarily take precedence over other crimes. The Mayor called for the vote and all were in favor.

Councilmember Michael Pizzi made a motion to extend and additional fifteen minutes. It received a second from Councilmember Richard Pulido. The Mayor called for the vote and the motion passed with Councilmembers Simon, Pizzi and Alonso voting against.

D. Retreat (Collins)

Vice Mayor Mary Collins made a motion to ask the Town Manager to put together a Town Council retreat package proposal to bring back to the Town Council. The Motion received a second from Councilmember Richard Pulido.

Councilmember Nancy Simon expressed concern about the cost and suggested waiting until the tax reform was worked out in Tallahassee. Councilmember Michael Pizzi stated his opposition to the expenditure of funds for this purpose. Vice Mayor Collins explained that she is merely asking staff to prepare a proposal and not to expend funds at this time.

The Mayor called for the vote and the motion passed with Councilmember Meador voting against.

E Workshop on Town Protocol (Collins)

Vice Mayor Mary Collins made a motion to have the Town Council do a workshop on protocol. The motion received a second from Councilmember Richard Pulido. It was suggested that the workshop take place the next available workshop date for the Council. Town Manager Alex Rey suggested that a speaker might be available from the County Office on Protocol. There being no further discussion, the Mayor called for the vote and all were in favor.

Councilmember Roberto Alonso made a motion to adjourn. Councilmember Nancy Simon seconded the motion. The Mayor asked the Town Clerk to call the roll which resulted in Councilmembers Simon, Alonso and Mayor Slaton voting in the affirmative and Councilmembers Pizzi, Meador, Pulido and Vice Mayor Collins voting against. Motion failed.

Councilmember Michael Pizzi made a motion to extend the meeting by one half hour. The motion received a second from Councilmember Richard Pulido. The Mayor asked the Town Clerk to call the roll which resulted in Councilmembers Pulido, Pizzi, Meador, Alonso and Vice Mayor Collins in favor and Councilmember Simon and Mayor voting against. The motion passed.

F. Expand Youth Activities Task Force (Collins)

Vice Mayor Mary Collins made a motion to increase the Youth Activities Task Force to 16 members and decreasing the quorum requirement to 25 percent. There was a second from Councilmember Michael Pizzi.

Councilmember Robert Meador raised an objection to changing the quorum to 25 percent. Vice Mayor Collins withdrew the quorum change from the motion and the change was accepted by Councilmember Pizzi.

The Mayor called for the vote on the amended motion. All were in favor.

G. Ordinance on Ethics (Slaton)

Mayor Slaton proposed adopting an ordinance whereby the Miami Dade Ethic Commission would have jurisdiction. Currently the Ethics Commission can handle only items which are ethics violations under their own code.

Councilmember Nancy Simon explained that each elected and appointed official signs an oath of office and expressed her concern for an additional ordinance.

Councilmember Michael Pizzi suggested that the Council receive a memo stating specifically what the Mayor intends to include in the ordinance.

Councilmember Robert Meador stated the Charter Committee included a Bill of Rights in the Charter and that the Charter Committee heavily debated this issue and decided not to include anything regarding ethics in the Charter.

Mayor Slaton spoke in favor of having an ordinance and explained that under the Council rules he cannot go forward with the preparation of an ordinance without the backing of the Council.

Councilmember Michael Pizzi made a motion to ask the Mayor to bring back to the Council a specific proposal for their review before the preparation of an ordinance. The motion received a second from Vice Mayor Mayor Collins. The Mayor called for the vote and all were in favor.

Councilmember Michael Pizzi made a motion to extend the meeting by an additional fifteen minutes. It received a second from Councilmember Richard Pulido. The Mayor called for the vote and all were in favor with Mayor Slaton voting against.

H. Alligator Warnings and Removal Policy (Slaton)

Vice Mayor Mary Collins made a motion to approve this item. It received a second from Councilmember Richard Pulido. Councilmember Robert Meador suggested that a resolution also include distribution to legislators in Tallahassee requesting a fence be erected on the canal at 138th Street. Mayor Slaton suggested that there also be language included to request clean up and maintenance of the landscaping in that area. Vice Mayor Collins accepted the amendment. Mayor Slaton called for the vote and all were in favor.

I. Town Attorney (Pizzi)

Councilmember Michael Pizzi questioned what will be done to have an RFQ for the position of Town Attorney. Mayor Slaton stated he has listened to all of the concerns and will be doing an RFQ and will be bringing the subject back to the Council for further discussion.

Vice Mayor Collins exited the meeting at 12:35 a.m.

J. Adult Education Classes (Simon)

This item was discussed with item 13C3.

K. Loch Lomond Request (Meador)

Councilmember Robert Meador stated that the Loch Lomond Homeowner's Association would like to be able to come to a zoning meeting as a group for variances at a reduced fee similar to previous groups with like issues such as the boat and fence variances.

Town Manager Alex Rey explained the prior process and that the number of applications received will determine the cost to the applicant. He assured the Council that he will work with the HOA.

Councilmember Robert Meador made a motion to reduce the fee consistent with past practice. It received a second from Councilmember Michael Pizzi. The Mayor called for the vote and all were in favor.

L. Council Meetings (Alonso)

Councilmember Roberto Alonso asked to put on the record that he felt that Vice Mayor Mary Collins was disrespectful by leaving the meeting early. He stated that he would like to see Councilmember be able to limit repetitive comments while discussing items on the agenda.

15. FUTURE MEETINGS:

June 19, 2007 Zoning Meeting, 6425 Miami Lakeway N, Miami Lakes 6:30 PM
July 10, 2007 Regular Meeting, 6425 Miami Lakeway N, Miami Lakes 7:00 PM
August 21, 2007 Zoning Meeting, 6425 Miami Lakeway N, Miami Lakes 7PM

16: ADJOURNMENT: There being no further business to come before the meeting it was adjourned at 12:45 a.m.

Approved this _____ day of _____, 2007

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk